

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE ROBERT GUTIERREZ,

No. C 08-3286 WHA (PR)

Petitioner,

**ORDER GRANTING MOTIONS TO  
EXTEND TIME**

v.

M. S. EVANS, Warden,

**(Docket Nos. 5, 6, 8, 11, 17)**

Respondent.

Petitioner, a California prisoner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254.

Good cause appearing, respondent's motions for an extension of time in which to answer the petition (docket numbers 5, 6, 11) and petitioner's motion for an extension of time to file a traverse (docket number 17) are **GRANTED**.


Petitioner has filed a motion for appointment of counsel. The Sixth Amendment's right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir.), *cert. denied*, 479 U.S. 867 (1986). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain

1 representation." Petitioner has presented his claims adequately in the petition, and they are not  
2 particularly complex. The interests of justice do not require appointment of counsel at this  
3 stage of the case. Petitioner's motion for appointment of counsel (docket number 8) is

4 **DENIED.**

5 **IT IS SO ORDERED.**

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7 Dated: September 11, 2009

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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